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10.08.2023
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Ct 14

WPA 19138 of 2023

Mostaque Alam

-vs-

The West Bengal State Election Commission & ors.

Mr. Loknath Chatterjee
Mr. Sidhartta Bhattacharya
Mr. Indranil Munshi

....for the petitioner

Mr. Amitesh Banerjee, Sr. St. Counsel
Ms. Ipsita Banerjee
Mr. Tarak Karan

...for the State

This is an application under Article 226 of the Constitution of India praying for direction upon the respondent authorities to provide police security so that the winning candidates of the respective Gram Panchayats can attend the board formation meeting which are to take place on 10.08.2023, 11.08.2023, 12.08.2023 and 14.08.2023 of this month.

At this stage, learned counsel appearing on behalf of the petitioner submits that he would pray for necessary relief only in respect of the board formation for today and tomorrow. For the rest of the dates separate applications will be filed.

Learned counsel appearing on behalf of the petitioner further submits as follows. The following winning candidates belonging to an opposition political party apprehend that they would not be allowed to participate in the board

formation meeting to be held today and tomorrow. The names are Anikul Hoque, Mintu Sekh, Golam Martuja, Anesur, Mst. Sahannara Khatun, Md. Nurul Islam, Anwara, Lakmi Prasad, Md. Islam, Sabina Yasmine, Ms. Jarina Khatun. They are the winning candidates in Shibpur-II Gram Panchayat. The meeting for board formation is to take place today i.e. on 10.08.2023 at 12 O' clock. Similar apprehension is there in the other winning candidates being Md. Golam Martaja, Md. Nuruddin Faisal, Paulami Sarkar Saha, Mrinmoy Roy, Manoj Mandal, Mithun Mondal, Habibur Rahaman, Jamshed Ali, Hasina Banu, Bobi Sarkar, Miniaktara Khatun, Jaibon Khatun, Saheba Bibi, Farida Khatun who are the winning candidates in the Bhaluka Gram Panchayat. In this Gram Panchayat, this board formation meeting is to take place on 11.08.2023 at 12 noon. It is apprehended that the miscreants belonging to the ruling dispensation may try their best so that the petitioners are not able to attend the board formation meeting. Police help has been sought, but has not been provided as yet.

Learned senior standing counsel representing the State submits as follows. For the board formation meeting that is to take place today i.e. on 10.08.2023 at 12 O' clock, it is not possible to arrange the police protection to be given to the candidates in question. However, intimation shall be sent so that the police authorities who shall do their best to maintain peace and see that no breach of peace takes place. For the board formation meeting which is scheduled to take

place at 11:00 AM if the petitioners apprehend any kind of danger, they are liberty to report to the local police station so that some police arrangement can be made to escort them to the venue. The allegations made in the writ petition are denied.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It is indeed true that when the matter is now being taken up for hearing at 11:50 AM, it should not be possible for the State Police Authorities to take any special step for police arrangements to escort the winning candidates for Shibpur-II Gram Panchayat to attend the board formation meeting at 12 noon.

However, learned senior standing counsel is requested to intimate the Superintendent of Police, Malda over phone so that necessary arrangement is done to ensure overall safety and security of individuals concerned and so that no breach of peace takes place.

However, the winning candidates for the Bhaluka Gram Panchayat shall be at liberty to report to the Officer in Charge , Harishchandrapur Police Station at 10 AM tomorrow i.e. on 11.08.2023 so that necessary police arrangements can be made to escort them to the venue of the meeting for board formation for the said Gram Panchayat.

The police shall keep a sharp vigil and ensure that no breach of peace takes place even tomorrow.

With these observations, the writ petition is disposed of.

Since affidavits were not called for, allegations are deemed not to have been admitted.

The petitioners shall be at liberty to move separate applications for the board formation meetings scheduled to be held on 12.08.2023 and 14.08.2023.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)